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Attorney for Plaintiff  
DONNA MATHEWS

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DONNA MATHEWS,

Plaintiff,

vs.

PAN AMERICAN LIFE INSURANCE  
COMPANY; and DOE 1 through Doe 20,  
Inclusive,

Defendants.

No. C 07-02757 SBA

EX PARTE MOTION FOR  
ADMINISTRATIVE RELIEF TO  
PERMIT FILING UNDER SEAL  
PURSUANT TO PROTECTIVE  
ORDER; DECLARATION OF  
MICHAEL E. KINNEY;  
MEMORANDUM OF POINTS AND  
AUTHORITIES; PROPOSED  
ORDER

TO THE HONORABLE SAUNDRA B. ARMSTRONG AND TO ALL PARTIES  
AND THEIR ATTORNEYS OF RECORD:

On or about March 13, 2008, a Stipulated Protective Order was issued in this matter,  
signed by Magistrate Judge Bernard Zimmerman. That Order requires that the parties follow Local  
Rule 79-5 if they desire to file a document which opposing counsel has designated as  
"confidential."

Subsequently, opposing counsel designated a document as "confidential." That  
document ultimately was incorporated into an Exhibit Book appurtenant to the depositions of Cory  
Simon and Michael Jones.

1 Plaintiff is filing the Exhibit Book in connection with her Opposition to Defendant's  
2 Motion for Summary Judgment. The Motion is set for hearing on June 10, 2008.

3 Therefore, in order to comply with the Stipulated Protective Order, this  
4 Administrative Motion is necessary.

5 Dated: May 19, 2008

LAW OFFICE OF MICHAEL E. KINNEY

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7 By: /s/  
8 Michael E. Kinney  
9 Attorney for Plaintiff  
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**DECLARATION OF MICHAEL E. KINNEY**

I, Michael E. Kinney, declare as follows:

1. I am an attorney licensed to practice before this Court, and the attorney of record for Plaintiff herein.

2. On or about March 13, 2008, a Stipulated Protective Order issued in this case. The Order contains the following provision:

**"10. FILING PROTECTED MATERIAL**

**"Without written permission from the Designating Party or a court order secured after appropriate notice to all interested persons, a Party may not file in the public record in this action any Protected Material. A Party that seeks to file under seal any Protected Material must comply with Civil Local Rule 79-5."**

3. A document designated as confidential by Defendant was used during the depositions of Cory Simon and Michael Jones. It became part of the Exhibit Book associated with those deposition, as Exhibit 2 therein.

4. Plaintiff is filing a copy of that Exhibit Book as part of her Opposition to Motion for Summary Judgment. Therefore, this Motion for Administrative Relief is necessitated.

5. Submitted herewith is a copy of the Exhibit Book, as well as a redacted copy. A chambers copy is also being submitted herewith.

6. Plaintiff does not have a position on the subject of whether the Exhibit Book or a portion thereof should be sealed. Plaintiff defers to the Court.

7. On May 19, 2008, I spoke with Thomas Evans, counsel for Defendant, about this matter. We did not reach a stipulation on the subject of this motion.

8. A copy of this Motion for Administrative Relief is being hand delivered to Mr. Evans the same day this Motion is being filed, together with a copy of the Exhibit Book. A proof of service is being filed with the Court.

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct.

1 Dated this 19th day of May at Santa Rosa, California.  
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4 /s/  
Michael E. Kinney  
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**MEMORANDUM OF POINTS AND AUTHORITIES**

**I.**

**THE COURT HAS POWER TO GRANT THIS  
MOTION FOR ADMINISTRATIVE RELIEF**

Local Rule 7-11 gives the Court the power to grant this motion. Local Rule 79-5 provides the substantive power to seal records.

Dated: May 19, 2008

LAW OFFICE OF MICHAEL E. KINNEY

By: /s/  
Michael E. Kinney  
Attorney for Plaintiff

**ORDER**

GOOD CAUSE therefore appearing, it is ordered that the Exhibit Book filed by Plaintiff in Opposition to Summary Judgment shall be [or shall not be] sealed.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Judge